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May 14, 2010

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: *Ex Parte Presentation*: WC Docket No. 09-135

Dear Ms. Dortch:

Broadview Networks, Inc., Cavalier Telephone, and XO Communications, LLC hereby request that the Commission include in the record of the above-captioned proceeding the following documents previously submitted in the record in WC Docket No. 07-97. A copy of each of these documents accompanies this letter.

1. Letter from Consumer Federation of America, Consumers Union, EDUCAUSE, Free Press, Media Access Project, New America Foundation, Public Knowledge and U.S. Public Interest Groups to Kevin J. Martin, Chairman, Federal Communications Commission, WC Docket Nos. 06-172, 07-97, 06-125, 06-147, 04-440 (filed Nov. 13, 2007) (Attachment A)
2. Letter from Terry Goddard, Attorney General, State of Arizona, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 07-97 (filed Jun. 18, 2008) (Attachment B)
3. Letters from James P. Weiers, Speaker of the House, Arizona House of Representatives, to Hon. Kevin J. Martin, Hon. Michael J. Copps, Hon. Jonathan S. Adelstein, Hon. Deborah Taylor Tate, and Hon. Robert M. McDowell, Federal Communications Commission, WC Docket No. 07-97 (filed May 7, 2008) (Attachment C)
4. Letters from Kirk Adams, Arizona State Representative, Arizona House of Representatives, to Sen. John McCain, Sen. John Kyl, Congressman Rick Renzi,

Ms. Marlene H. Dortch
May 14, 2010
Page 2

Congressman Trent Franks, Congressman John Shadegg, Congressman Ed Pastor, Congressman Harry Mitchell, Congressman Jeff Flake, Congressman Raul Grijalva, and Congresswoman Gabrielle Giffords, WC Docket No. 07-97 (filed May 6, 2008) (Attachment D)

5. Letters from Thayer Verschoor, Senate Majority Leader, Arizona State Senate, to Sen. John McCain, Sen. John Kyl, Congressman Rick Renzi, Congressman Trent Franks, Congressman John Shadegg, Congressman Ed Pastor, Congressman Harry Mitchell, Congressman Jeff Flake, Congressman Raul Grijalva, and Congresswoman Gabrielle Giffords, WC Docket No. 07-97 (filed May 7, 2008) (Attachment E)
6. Letter from Bill Konopnicki, State Representative, Arizona House of Representatives, to Kevin J. Martin, *et al.*, Federal Communications Commission, WC Docket No. 07-97 (filed Apr. 10, 2008) (Attachment F)
7. Joint Letter from Business Owners and Organizations to Kevin J. Martin, *et al.*, Federal Communications Commission, WC Docket Nos. 06-172, 07-97, 04-440, 06-125, 06-147 (filed Sept. 26, 2007) (Attachment G)
8. Letter from Thomas M. Sullivan and Cheryl Johns, Office of Advocacy, U.S. Small Business Administration, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 07-97 (filed Jul. 25, 2008) (Attachment H)
9. Ex Parte Comments of the National Association of Telecommunications Officers and Advisors ("NATOA"), WC Docket No. 07-97 (filed Jul. 7, 2008) (Attachment I)

Please address any questions regarding this ex parte submission to the undersigned.

Respectfully submitted,

A handwritten signature in cursive script that reads "Genevieve Morelli".

Genevieve Morelli

Attachments

ATTACHMENT A

November 13, 2007

Chairman Kevin J. Martin
Chairman
Federal Communications Commission
445 12th St. NW
Washington, D.C. 20554

Ex Parte Filing: WC Dockets No. 06-172; 07-97; 06-125; 06-147; 04-440

Dear Chairman Martin:

Improving the feeble condition of the U.S. broadband market is perhaps the paramount issue facing policy-makers in this country today. The U.S. is clearly trailing most of our major economic rivals in broadband transmission speed, investment, subscribership and competitiveness.¹ While residences in many other nations routinely have access to broadband services at speeds of 10 to 100 Mbps, 95% of all broadband connections to American homes are below 10 Mbps.² Investment in broadband in the U.S. lags behind several other countries.³ Prices for broadband service generally are several times higher (per megabit) in the U.S. than in most European countries.⁴ The cable-telco duopoly dominates the provision of broadband services in the U.S. – serving approximately 96% of the nation's homes. The paucity of truly high-speed, competitive broadband services harms our national security, our economy, our health care, our education, and our quality of life.

The Federal Communications Commission (FCC), under your leadership, is to be commended for recognizing the importance of broadband connectivity to our nation's future. You have

¹ One think tank, ITIF, concludes that the U.S. falls 12th among the 30 OECD nations in broadband connectivity when including price and speed as well as subscribership. ITIF also notes that a majority of Japanese households served by NTT East have 100 Mbps service available over fiber for about \$27/month (adjusted for purchasing power parity). See "Assessing Broadband in America: OECD and ITIF Broadband Rankings," by Daniel K. Correa, Information Technology and Innovation Foundation, April 2007, available at <http://www.itif.org/index.php?id=57>.

² "High-Speed Services for Internet Access: Status as of June 30, 2006, Industry Analysis and Technology Division Wireline Competition Bureau, January 2007," available at http://fjallfoss.fcc.gov/edocs_public/attachmatch/DOC-270128A1.pdf.

³ According to ITU Data, the U.S. investment in telecommunications was less than 1/2 of the amount spent by Mexico, France and New Zealand, less than 1/3 of the amount spent by Japan and Canada, less than 1/4 of the amount spent in Spain and Great Britain, and less than 1/8 of the amount spent by S. Korea (measured as a percentage of GDP). ITU Connect the World Database, 2006.

⁴ Almost two years ago, the Wall Street Journal reported that American consumers were paying about 11 times more per megabit of service than consumers in France. See, "For U.S. Consumers, Broadband Service is Slow and Expensive," By Jesse Drucker, The Wall Street Journal, November 16, 2005. Last year, Free Press/Consumer's Union/Consumer Federation of America reported that DSL connections of 24 Mbps were commonplace in Europe at a price of about \$40. In contrast, American consumers are paying more for a connection that is 1/10 the speed. See, "Broadband Reality Check II, The Truth Behind America's Digital Decline" by S. Derek Turner, August 2006.

frequently addressed the need to improve the deployment and use of broadband services to all Americans.

Unfortunately, Verizon and Qwest are seeking to upend one of the few U.S. policies that has succeeded in encouraging the deployment of affordable, high-speed, competitive broadband services. The pending petitions for forbearance filed by these companies would take this nation in exactly the opposite direction – reducing the opportunity for competitive investment in broadband facilities and likely causing rate increases for broadband services to many American residential and small business consumers. These petitions should be denied.

Verizon proposes to close off its copper network to competitors in 6 major markets in the northeast, while Qwest proposes a similar change covering 4 major markets in the mid-west and west. If granted, these petitions could undermine the ability of facilities-based broadband competitors to reach 13 million households and almost 35 million Americans in the Verizon region and 4.6 million households and about 13 million people in the Qwest region. Together, these petitions could eliminate competition and raise rates for broadband services for about 40% of all the homes in America.

Competitive broadband providers such as Earthlink, Covad, Cavalier, DSLNet/Megapath and many others have built broadband networks to offer voice, video and data services to residences and small businesses at speeds up to 30 Mbps. By adding their own electronics to Verizon's or Qwest's copper loops, these companies can offer a lower-priced, higher-speed offerings than those offered by either Verizon or Qwest over those loops.

If access to these loops on an unbundled basis is eliminated, many, if not all, of the competitive broadband providers will either raise their rates or withdraw from these markets, stranding billions of dollars in broadband equipment and subjecting the consumer to the higher rates charged by the incumbent provider. In fact, a recent report issued by the competitive industry calculated that, if the FCC eliminates Verizon's unbundling obligations in all 6 markets, consumers would suffer a total rate increase of \$2.4 billion annually, the equivalent of \$114 annually for an average household.⁵

We have already learned the lesson of prematurely deregulating essential facilities in the special access market. In 2001, the FCC granted pricing flexibility to the incumbent providers of special access based in part on a prediction that competition would develop for special access. Since 2001, incumbent providers of special access have increased their market share and consistently raised their prices to outrageously high levels. One organization representing large businesses claims that incumbents are the sole provider of dedicated access to 98% of all businesses nationwide.⁶ Another entity estimated that the incumbents over-earned \$7.4 billion between

⁵ AN ANALYSIS OF VERIZON'S PETITION FOR FORBEARANCE: *A Quantification of the Impact of Forbearance*, QSI Consulting, Impact Study, available at <http://www.publicknowledge.org/pdf/qsi-verizon-study.pdf>

⁶ Economics and Technology, Inc., "Competition in Access Markets: Reality or Illusion, A Proposal for Regulating Uncertain Markets," at 16-22 (Aug. 2004) ("ETI Report"), appended as Attachment A to Ad Hoc

2001 and 2006 due to their inflated special access prices.⁷ By systematically raising their prices year after year, AT&T's after-tax rate of return for interstate special access services grew from an exorbitant 40% in 2000 to an astronomical 100% in 2006, while Verizon's return more than tripled from 15% to 52%.⁸

These rate increases not only harm consumers, they also inhibit broadband deployment. Rural telephone companies maintain that the higher special access rates they pay to the Bell Companies reduce the funds the rural companies have available to build broadband networks in rural areas. Nascent competitive providers of service, who have perhaps the greatest incentive to deploy competitive broadband services, instead must fork over a significant portion of their revenues directly to their competitor rather than using those funds to build their own broadband facilities.

The unbundling provisions that Verizon and Qwest seek to dismantle are precisely the provisions that other countries are using to achieve greater broadband investment and penetration. In France, the national regulatory commission's dedication to local loop unbundling is widely credited for vaulting France into a leadership position among European countries in broadband deployment.⁹ Japan requires local loop unbundling for both fiber and copper loops. The fierce competition generated by these local loop unbundling policies in both countries has driven the

Telecommunications Users Committee Reply Comments, WC Docket No. 05-65 (May 10, 2005) ("Ad Hoc 2005 Reply Comments"). Declaration of Susan M. Gately, appended as Attachment B to Ad Hoc 2005 Reply Comments, ¶¶ 19-25 ("2005 Gately Decl.").

⁷ See Testimony of Gary Forsee, Chairman and CEO of Sprint-Nextel, before the U.S. House Subcommittee on Telecommunications of the Committee on Energy and Commerce, Oct. 2, 2007, available at http://energycommerce.house.gov/cmte_mtgs/110-ti-hrg.100207.DigFuture.Part6.shtml.

⁸ The harm caused by premature deregulation of special access services was confirmed by the Government Accountability Office, which found in a November, 2006 report that, "[I]n areas where the FCC granted full pricing flexibility due to the presumed presence of competitive alternatives, list prices and average revenues *tend to be higher* than or the same as list prices and average revenues in areas still under some FCC price regulation." United States Government Accountability Office, Report to the Chairman, Committee on Government Reform, House of Representatives, *Telecommunications: FCC Needs to Improve Its Ability to Monitor and Determine the Extent of Competition in Dedicated Access Services*, November 2006 ("GAO Report").

⁹ An article in BusinessWeek magazine reported the following:

How did France—not always seen as a paragon of the free market—turn into such a hotbed of broadband competition? The surge can be traced government actions at the start of the decade that have proved far more effective at stimulating broadband competition than the policies of the FCC. In 2000, France's national telecom regulator forced former state-owned monopoly France Telecom (FTE) to open up its network to rival operators, a process known as "local loop unbundling." That encouraged telecom upstarts and carriers from other countries, including Telecom Italia (TI) and Deutsche Telekom (DT), to rent access to France Telecom's wires and start offering competing broadband services. And that, in turn, spurred France Telecom to improve its own prices and services, becoming the first major telecom company in Europe to roll out residential VoIP service in June, 2004.

"Vive la High-Speed Internet!: French policy has nurtured competition among providers, advancing the country to the cutting-edge of broadband technology," by Jennifer L. Schenker; BusinessWeek, July 18, 2007, available at http://www.businessweek.com/globalbiz/content/jul2007/gb20070718_387052.htm.

industry to migrate to the provision of fiber services to gain a competitive advantage.¹⁰ Similarly, the U.K. has implemented a local loop unbundling policy since 2001 and has seen its rate of broadband adoption soar to the top among the G7 countries.¹¹

Verizon and Qwest's claim that they will continue to provide access to their copper network at reasonable rates if their petitions are granted should be viewed with a high degree of skepticism. These companies made the same argument in order to convince the courts to eliminate UNE-P, and then immediately raised their wholesale rates to non-competitive levels and effectively eliminated that form of competitive service. Competitive firms have begun to withdraw from the Omaha market because of Qwest's demand for higher loop rates after Qwest's forbearance petition was granted in that market. And Verizon has challenged in court the states' authority to set rates in the absence of a federal rate regime. Competitive providers claim that they have tried to elicit from Verizon what it would charge for unbundled loops if these petitions were granted, but Verizon has not been forthcoming. Based on this history, the incumbents' arguments that they will provide access to their copper network in a manner that permits meaningful broadband competition simply cannot be accepted at face value.

Furthermore, granting these forbearance petitions would conflict with the recent AT&T Broadband Forbearance Order. In that decision, the FCC granted AT&T freedom from certain tariffing and *Computer Inquiry* rules for several high-speed, high-volume services used by enterprise customers to transmit large amounts of data to multiple locations. But the FCC specifically limited that decision to these high-capacity, non-TDM services and acknowledged that its order did not apply to the type of DS0, DS1 or DS3 services that are the subject of the instant Verizon and Qwest forbearance petitions.¹² The FCC's analysis in the AT&T Broadband Forbearance Order maintained that enterprise customers may have alternatives to the broadband

¹⁰ *Understanding the Japanese Broadband Miracle; Taka Ebihara; Office of the Japan Chair, Center for Strategic and International Studies (CSIS)*, April 4, 2007, available at www.itif.org/files/Ebihara_Japanese_Broadband.pdf.

¹¹ In 2001 the UK sat in twenty-first place in the OECD countries in terms of broadband penetration. Six years later there are more than 13 million broadband subscribers (representing more than 50 per cent of the UK's 24.4 million households), and the UK now leads the G7 in terms of the availability of first generation broadband, with 99.6 per cent availability. Local loop unbundling (LLU) and the wide availability of wholesale DSL products, has lead to strong retail and wholesale competition, which in turn has resulted in falling prices and stimulated high levels of take-up. The 'virtuous circle' . . . where industry innovation drives user adoption and market growth, is now a reality.

"Pipe Dreams? Prospects for Deployment of Next Generation Broadband in the UK," published on April 16, 2007, by the Broadband Stakeholders Group, available at <http://www.broadbanduk.org/content/view/236/7/>.

¹² "We note that the relief we grant AT&T excludes TDM-based, DS-1 and DS-3 special access services, and that such special access services for other incumbent LECs likewise remain rate regulated, regardless of the specific geographic market." *In the Matter of Petitions of AT&T Inc. and BellSouth Corporation for Forbearance Under 47 U.S.C. 160(c) from Title II and Computer Inquiry Rules with Respect to its Broadband Services*, WC Docket No. 06-125, Memorandum Opinion and Order, FCC 07-180, released Oct. 12, 2007, ("AT&T Broadband Forbearance Order") para. 20.

services at issue in that order, acknowledging by omission that residential and small businesses do not have the same competitive alternatives.¹³ Finally, the order notes that, if an enterprise customer cannot build its own broadband facilities, it can obtain services from a competitive local exchange carrier (CLEC) that leases unbundled network elements (UNEs).¹⁴ These competitive UNE-based services, the availability of which was relied upon by the FCC in granting AT&T relief, will not be available if the Verizon and Qwest petitions are granted. Granting the Verizon and Qwest petitions, therefore, would not only be susceptible to remand on its own, but would undermine the rationale used for granting the AT&T Broadband Forbearance Order.

We understand the argument for deregulating services when there is sufficient competition to provide the consumer with a choice of alternative providers. But deregulating carriers with market power *before* such competitive alternatives are proven to exist can be extremely counter-productive. Granting these petitions, essentially removing the foundational local loop facilities from the market based on speculative evidence of competitive alternatives, will effectively prevent competition from continuing to develop and will further entrench the existing providers' dominant status. As the special access market demonstrates, once the dominant provider genie is out of the bottle, it can be quite difficult to re-instate the necessary pro-competitive rules later. The applicants simply have not demonstrated that there are sufficient competitive providers in these markets to warrant abandoning the existing pro-competitive regime.

In summary, granting these forbearance petitions is likely to eliminate competitive voice and broadband services to the mass market of residential and small business consumers and cause significant rate increases to residential and small business consumers. We urge you to reject these petitions and adhere to the current local loop unbundling policy that has been shown to promote lower prices and greater investment in broadband networks.

Respectfully submitted,

Consumer Federation of America
Consumers Union
EDUCAUSE
Free Press
Media Access Project
New America Foundation
Public Knowledge
U.S. Public Interest Research Groups

¹³ "Viewing the regulatory obligations from a broad perspective is consistent with the needs of the large and mid-sized enterprise customers that use AT&T's broadband services to connect geographically-dispersed locations." *AT&T Broadband Forbearance Order*, para. 21.

¹⁴ "Where self-deployment and purchasing from competitive LECs are not options, potential providers may obtain unbundled network elements (UNEs) from the incumbent LEC to meet these customers' needs." *AT&T Broadband Forbearance Order*, para. 21.

ATTACHMENT B



OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TERRY GODDARD
ATTORNEY GENERAL

June 10, 2008

Received & Inspected

JUN 18 2008

FCC Mail Room

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S. W.
Washington, DC 20054

Re: In re Petitions of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. §160(c) in the Denver, Minneapolis, St. Paul, Phoenix and Seattle Metropolitan Statistical Areas, WC Docket No. 07-97

Dear Ms. Dortch:

As the Chief Law Enforcement Officer in charge of enforcing Arizona's business competition laws, I write to voice my concern over Qwest Corporation's petition in the above-referenced docket number as it relates to Qwest's request for forbearance in the Phoenix Metropolitan Statistical Area.

Thanks in part to the Telecommunications Act of 1996 (the "Act"), Arizona businesses currently enjoy the benefits of a competitive telecommunications market. While Qwest owns the vast majority of local "last mile" lines and infrastructure, it is required by the Act to make them available to competing telecommunications providers at cost-based rates. These rates include a reasonable profit for Qwest which is set, and may be adjusted, by the Arizona Corporation Commission. This facility use arrangement has enabled a healthy supply of competitors (more than two dozen) to enter and remain viable in the Phoenix telecommunications market. Such competition has benefited Arizona by keeping prices low while increasing the quantity and quality of innovative telecommunications products. The presence of competitive providers has also created a more diverse and redundant network of telecommunications systems. These systems are, in the aggregate, more difficult to take off-line or disable. This is good for business consumers, many of whom purchase communication services from multiple providers. Such redundancy is also an important public safety consideration.

Given the apparent success of Phoenix's competitive market, I am deeply concerned about a change that would remove Qwest's requirement to make available portions of the public switched network at cost-based rates. My concern is heightened by my understanding that when similar forbearance was granted to Qwest in the Omaha, Nebraska Metropolitan Statistical Area, competition dried up as competing providers exited the business market, apparently no longer able to purchase access to the public switched network at affordable rates. Meanwhile, no new competitors have entered the market, which is not surprising given the substantial expense necessary to create new last mile capacity.

I share the concerns raised by the Arizona Corporation Commission that the requested forbearance would not be in the best interest of competitive markets here in Phoenix. Competitively priced telecommunications products and services are important to Arizona business and I hope that you will


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carefully consider the potential repercussions that non-competitively priced telecommunications would have on the Arizona economy.

In the absence of strong evidence that competition will not be harmed, the relief sought by Qwest appears premature and not in the best interest of Arizona.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Goddard", written over the printed name and title.

Terry Goddard
Arizona Attorney General

ATTACHMENT C

SPEAKER JAMES P. WEIERS
1700 WEST WASHINGTON, SUITE H
PHOENIX, ARIZONA 85007-2844

PHONE: (602) 926-4173
FAX: (602) 417-3153
TOLL-FREE: 1-800-352-8404
jweiers@azleg.gov



LEGISLATIVE DISTRICT 10

RULES

LEGISLATIVE COUNCIL, VICE-CHAIRMAN

JOINT LEGISLATIVE AUDIT COMMITTEE

Arizona House of Representatives
Phoenix, Arizona 85007

May 7, 2008

The Honorable Kevin J. Martin, Chairman
Federal Communications Commission
445 Twelfth Street, NW
Washington, DC 20554

*Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the
Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Chairman Martin:

I am writing to ask your careful deliberation of Qwest Corporation's request that the FCC find sufficient competition in the Phoenix market to warrant forbearance from various provisions of the federal Telecommunications Act of 1996. Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

I am not an expert on the telecommunications market. I am, however, a small business owner. As a business owner, I hate competition. Competition makes me work harder, operate more efficiently, reduce my prices and increase my customer service. As a consumer, I love competition. It is as a consumer of both business and residential telecommunications services that I urge you to allow fair and healthy competition to thrive in the Phoenix market.

The Arizona Corporation Commission, which regulates Qwest's operations in the State of Arizona, is responsible for implementing the market-opening provisions of the Telecommunications Act as prescribed by federal law. All five Commissioners filed comments opposing Qwest's request for forbearance relief. Arizona is fortunate to have qualified Commissioners and staff at the Arizona Corporation Commission. For me, they have the local understanding of the true nature of competition in the Phoenix market.

If the FCC finds that sufficient competition exists, forbearance from access and price regulation is warranted. If forbearance is granted prematurely, however, it is likely that competitive communications service providers could exit, or decline to enter, the Phoenix market. As a resident in the Phoenix market and as Speaker of the Arizona House, I have a particular interest in ensuring a robust, competitive telecommunications market.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Weiwers", written over a horizontal line.

JAMES P. WEIERS
Speaker of the House

cc: Arizona Congressional Delegation

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LEGISLATIVE DISTRICT 10

RULES

LEGISLATIVE COUNCIL, VICE-CHAIRMAN

JOINT LEGISLATIVE AUDIT COMMITTEE

Arizona House of Representatives
Phoenix, Arizona 85007

May 7, 2008

The Honorable Michael J. Copps
Federal Communications Commission
445 Twelfth Street, NW
Washington, DC 20554

Re: *In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Commissioner Copps:

I am writing to ask your careful deliberation of Qwest Corporation's request that the FCC find sufficient competition in the Phoenix market to warrant forbearance from various provisions of the federal Telecommunications Act of 1996. Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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Sincerely,

A handwritten signature in black ink, appearing to be "J. Weiers", written over a horizontal line.

JAMES P. WEIERS
Speaker of the House

cc: Arizona Congressional Delegation

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1700 WEST WASHINGTON, SUITE H
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LEGISLATIVE DISTRICT 10

RULES

LEGISLATIVE COUNCIL, VICE-CHAIRMAN

JOINT LEGISLATIVE AUDIT COMMITTEE

Arizona House of Representatives
Phoenix, Arizona 85007

May 7, 2008

The Honorable Jonathan S. Adelstein
Federal Communications Commission
445 Twelfth Street, NW
Washington, DC 20554

*Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the
Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Commissioner Adelstein:

I am writing to ask your careful deliberation of Qwest Corporation's request that the FCC find sufficient competition in the Phoenix market to warrant forbearance from various provisions of the federal Telecommunications Act of 1996. Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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The Arizona Corporation Commission, which regulates Qwest's operations in the State of Arizona, is responsible for implementing the market-opening provisions of the Telecommunications Act as prescribed by federal law. All five Commissioners filed comments opposing Qwest's request for forbearance relief. Arizona is fortunate to have qualified Commissioners and staff at the Arizona Corporation Commission. For me, they have the local understanding of the true nature of competition in the Phoenix market.

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JAMES P. WEIERS
Speaker of the House

cc: Arizona Congressional Delegation

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LEGISLATIVE COUNCIL, VICE-CHAIRMAN

JOINT LEGISLATIVE AUDIT COMMITTEE

Arizona House of Representatives
Phoenix, Arizona 85007

May 7, 2008

The Honorable Deborah Taylor Tate
Federal Communications Commission
445 Twelfth Street, NW
Washington, DC 20554

*Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the
Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Commissioner Tate:

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jweiers@azleg.gov



LEGISLATIVE DISTRICT 10

RULES

LEGISLATIVE COUNCIL, VICE-CHAIRMAN

JOINT LEGISLATIVE AUDIT COMMITTEE

Arizona House of Representatives
Phoenix, Arizona 85007

May 7, 2008

The Honorable Robert M. McDowell
Federal Communications Commission
445 Twelfth Street, NW
Washington, DC 20554

*Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the
Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Commissioner McDowell:

I am writing to ask your careful deliberation of Qwest Corporation's request that the FCC find sufficient competition in the Phoenix market to warrant forbearance from various provisions of the federal Telecommunications Act of 1996. Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

I am not an expert on the telecommunications market. I am, however, a small business owner. As a business owner, I hate competition. Competition makes me work harder, operate more efficiently, reduce my prices and increase my customer service. As a consumer, I love competition. It is as a consumer of both business and residential telecommunications services that I urge you to allow fair and healthy competition to thrive in the Phoenix market.

The Arizona Corporation Commission, which regulates Qwest's operations in the State of Arizona, is responsible for implementing the market-opening provisions of the Telecommunications Act as prescribed by federal law. All five Commissioners filed comments opposing Qwest's request for forbearance relief. Arizona is fortunate to have qualified Commissioners and staff at the Arizona Corporation Commission. For me, they have the local understanding of the true nature of competition in the Phoenix market.

If the FCC finds that sufficient competition exists, forbearance from access and price regulation is warranted. If forbearance is granted prematurely, however, it is likely that competitive communications service providers could exit, or decline to enter, the Phoenix market. As a resident in the Phoenix market and as Speaker of the Arizona House, I have a particular interest in ensuring a robust, competitive telecommunications market.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Weiers", written over a horizontal line.

JAMES P. WEIERS
Speaker of the House

cc: Arizona Congressional Delegation

ATTACHMENT D

KIRK ADAMS
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DISTRICT 19 - MESA



Arizona House of Representatives
Phoenix, Arizona 85007

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JOINT LEGISLATIVE BUDGET
COMMITTEE

May 6, 2008

Senator John McCain
U.S. Senate
Senate Russell 241
Washington, DC 20510

Re: *In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area - WC Docket No. 07-97*

Dear Senator McCain:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

The Arizona Corporation Commission, which regulates Qwest's operations in the State of Arizona, and is responsible for implementing the market-opening provisions of the Telecommunications Act as prescribed by federal law, filed comments urging the FCC to deny Qwest's request for forbearance relief. Among the concerns raised by the Commission was Qwest's overstatement of the extent of competition that currently exists in both the residential and business telephone markets in Phoenix. Where sufficient competition exists to restrain Qwest's ability to unilaterally raise its competitors' costs by increasing the rates for necessary wholesale inputs, forbearance from access and price regulation might be warranted. If forbearance is granted prematurely, however, I am concerned that competitive communications service providers may exit, or decline to enter, the Phoenix market. Two years ago, the FCC granted Qwest relief in Omaha, Nebraska from the same federal regulatory requirements that it is seeking in Phoenix and, from what I understand, competitors have both left the Omaha market and abandoned plans to enter the market. I do not want to see the same thing happen in Phoenix.

I believe that all Phoenix residents benefit to the extent that communications service providers compete for their business because competition tends to engender better pricing and more innovative services. I also believe, like the Arizona Corporation Commission, that the public interest would be served and consumers protected by retaining in place the market-opening provisions of the Telecommunications Act. I urge you to let the FCC know that telephone competition is important to Phoenix and that it should deny Qwest relief from its obligations under the Telecommunications Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Adams", written in a cursive style.

Kirk Adams
Arizona State Representative
Legislative District 19

KA/kb

KIRK ADAMS
1700 WEST WASHINGTON, SUITE H
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JOINT LEGISLATIVE BUDGET
COMMITTEE

May 6, 2008

Senator Jon Kyl
U.S. Senate
Senate Hart 730
Washington, DC 20510

Re: *In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Senator Kyl:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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Kirk Adams
Arizona State Representative
Legislative District 19

KA/kb

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JOINT LEGISLATIVE BUDGET
COMMITTEE

May 6, 2008

Congressman Rick Renzi
U.S. House of Representatives
418 Cannon HOB
Washington, DC 20515

Re: *In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Congressman Renzi:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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A handwritten signature in dark ink, appearing to read "Kirk Adams", written in a cursive style.

Kirk Adams
Arizona State Representative
Legislative District 19

KA/kb

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JOINT LEGISLATIVE BUDGET
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May 6, 2008

Congressman Trent Franks
U.S. House of Representatives
1237 Longworth HOB
Washington, DC 20515

Re: *In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Congressman Franks:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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Sincerely,

A handwritten signature in cursive script, appearing to read "Kirk Adams".

Kirk Adams
Arizona State Representative
Legislative District 19

KA/kb

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JOINT LEGISLATIVE BUDGET
COMMITTEE

May 6, 2008

Congressman John Shadegg
U.S. House of Representatives
306 Cannon HOB
Washington, DC 20515

Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area - WC Docket No. 07-97

Dear Congressman Shadegg:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

The Arizona Corporation Commission, which regulates Qwest's operations in the State of Arizona, and is responsible for implementing the market-opening provisions of the Telecommunications Act as prescribed by federal law, filed comments urging the FCC to deny Qwest's request for forbearance relief. Among the concerns raised by the Commission was Qwest's overstatement of the extent of competition that currently exists in both the residential and business telephone markets in Phoenix. Where sufficient competition exists to restrain Qwest's ability to unilaterally raise its competitors' costs by increasing the rates for necessary wholesale inputs, forbearance from access and price regulation might be warranted. If forbearance is granted prematurely, however, I am concerned that competitive communications service providers may exit, or decline to enter, the Phoenix market. Two years ago, the FCC granted Qwest relief in Omaha, Nebraska from the same federal regulatory requirements that it is seeking in Phoenix and, from what I understand, competitors have both left the Omaha market and abandoned plans to enter the market. I do not want to see the same thing happen in Phoenix.

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Sincerely,

A handwritten signature in cursive script, appearing to read "Kirk Adams".

Kirk Adams
Arizona State Representative
Legislative District 19

KA/kb

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1700 WEST WASHINGTON, SUITE H
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JOINT LEGISLATIVE BUDGET
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May 6, 2008

Congressman Ed Pastor
U.S. House of Representatives
2465 Rayburn HOB
Washington, DC 20515

Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97

Dear Congressman Pastor:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

The Arizona Corporation Commission, which regulates Qwest's operations in the State of Arizona, and is responsible for implementing the market-opening provisions of the Telecommunications Act as prescribed by federal law, filed comments urging the FCC to deny Qwest's request for forbearance relief. Among the concerns raised by the Commission was Qwest's overstatement of the extent of competition that currently exists in both the residential and business telephone markets in Phoenix. Where sufficient competition exists to restrain Qwest's ability to unilaterally raise its competitors' costs by increasing the rates for necessary wholesale inputs, forbearance from access and price regulation might be warranted. If forbearance is granted prematurely, however, I am concerned that competitive communications service providers may exit, or decline to enter, the Phoenix market. Two years ago, the FCC granted Qwest relief in Omaha, Nebraska from the same federal regulatory requirements that it is seeking in Phoenix and, from what I understand, competitors have both left the Omaha market and abandoned plans to enter the market. I do not want to see the same thing happen in Phoenix.

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Kirk Adams
Arizona State Representative
Legislative District 19

KA/kb

KIRK ADAMS
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JOINT LEGISLATIVE BUDGET
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May 6, 2008

Congressman Harry Mitchell
U.S. House of Representatives
2434 Rayburn HOB
Washington, DC 20515

Re: *In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Congressman Mitchell:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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Kirk Adams
Arizona State Representative
Legislative District 19

KA/kb

KIRK ADAMS
1700 WEST WASHINGTON, SUITE H
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JOINT LEGISLATIVE BUDGET
COMMITTEE

May 6, 2008

Congressman Jeff Flake
U.S. House of Representatives
240 Cannon HOB
Washington, DC 20515

Re: *In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Congressman Flake:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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Kirk Adams
Arizona State Representative
Legislative District 19

KA/kb

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JOINT LEGISLATIVE BUDGET
COMMITTEE

May 6, 2008

Congressman Raul Grijalva
U.S. House of Representatives
1440 Longworth HOB
Washington, DC 20515

Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area - WC Docket No. 07-97

Dear Congressman Grijalva:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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Kirk Adams
Arizona State Representative
Legislative District 19

KA/kb

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JOINT LEGISLATIVE BUDGET
COMMITTEE

May 6, 2008

Congresswoman Gabrielle Giffords
U.S. House of Representatives
502 Cannon HOB
Washington, DC 20515

Re: *In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area - WC Docket No. 07-97*

Dear Congresswoman Giffords:

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Sincerely,

A handwritten signature in dark ink, appearing to read "Kirk Adams", written over a light blue horizontal line.

Kirk Adams
Arizona State Representative
Legislative District 19

KA/kb

ATTACHMENT E

SENATOR THAYER VERSCHOOR

Senate Majority Leader

ARIZONA STATE SENATE
DISTRICT 22
SENATE BUILDING Suite 212
1700 W WASHINGTON
PHOENIX, ARIZONA 85007-2890
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FAX (602) 417-3220
E-MAIL tverschoor@azleg.gov



COMMITTEES:

Rules – Vice-Chairman
Health
Financial Institutions,
Insurance and Retirement

Arizona State Senate

May 7, 2008

Senator John McCain
U.S. Senate
Senate Russell 241
Washington, DC 20510

Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97

Dear Senator McCain:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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Senator Thayer Verschoor
Senate Majority Leader
Arizona State Senate

Cc: The Honorable Kevin J. Martin, Chairman
The Honorable Michael J. Copps
The Honorable Jonathan S. Adelstein
The Honorable Deborah Taylor Tate
The Honorable Robert M. McDowell

SENATOR THAYER VERSCHOOR

Senate Majority Leader

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COMMITTEES:

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Arizona State Senate

May 7, 2008

Senator Jon Kyl
U.S. Senate
Senate Hart 730
Washington, DC 20510

Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97

Dear Senator Kyl:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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Senator Thayer Verschoor
Senate Majority Leader
Arizona State Senate

Cc: The Honorable Kevin J. Martin, Chairman
The Honorable Michael J. Copps
The Honorable Jonathan S. Adelstein
The Honorable Deborah Taylor Tate
The Honorable Robert M. McDowell

SENATOR THAYER VERSCHOOR

Senate Majority Leader

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COMMITTEES:

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Arizona State Senate

May 7, 2008

Congressman Rick Renzi
U.S. House of Representatives
418 Cannon HOB
Washington, DC 20515

Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97

Dear Congressman Renzi:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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Senator Thayer Verschoor
Senate Majority Leader
Arizona State Senate

Cc: The Honorable Kevin J. Martin, Chairman
The Honorable Michael J. Copps
The Honorable Jonathan S. Adelstein
The Honorable Deborah Taylor Tate
The Honorable Robert M. McDowell

SENATOR THAYER VERSCHOOR

Senate Majority Leader
ARIZONA STATE SENATE
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COMMITTEES:

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Health
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Arizona State Senate

May 7, 2008

Congressman Trent Franks
U.S. House of Representatives
1237 Longworth HOB
Washington, DC 20515

*Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47
U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Congressman Franks:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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Senator Thayer Verschoor
Senate Majority Leader
Arizona State Senate

Cc: The Honorable Kevin J. Martin, Chairman
The Honorable Michael J. Copps
The Honorable Jonathan S. Adelstein
The Honorable Deborah Taylor Tate
The Honorable Robert M. McDowell

SENATOR THAYER VERSCHOOR

Senate Majority Leader

ARIZONA STATE SENATE

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COMMITTEES:

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Health

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Arizona State Senate

May 7, 2008

Congressman John Shadegg
U.S. House of Representatives
306 Cannon HOB
Washington, DC 20515

Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97

Dear Representative Shadegg:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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Senator Thayer Verschoor
Senate Majority Leader
Arizona State Senate

Cc: The Honorable Kevin J. Martin, Chairman
The Honorable Michael J. Copps
The Honorable Jonathan S. Adelstein
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The Honorable Robert M. McDowell

SENATOR THAYER VERSCHOOR
Senate Majority Leader
ARIZONA STATE SENATE
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COMMITTEES:

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Arizona State Senate

May 7, 2008

Congressman Ed Pastor
U.S. House of Representatives
2465 Rayburn HOB
Washington, DC 20515

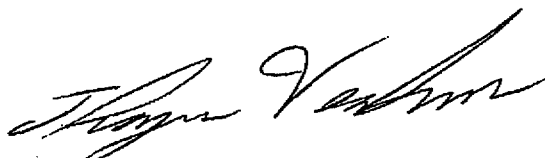
Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97

Dear Representative Pastor:

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Senator Thayer Verschoor
Senate Majority Leader
Arizona State Senate

Cc: The Honorable Kevin J. Martin, Chairman
The Honorable Michael J. Copps
The Honorable Jonathan S. Adelstein
The Honorable Deborah Taylor Tate
The Honorable Robert M. McDowell

SENATOR THAYER VERSCHOOR

Senate Majority Leader

ARIZONA STATE SENATE

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Arizona State Senate

COMMITTEES:

Rules – Vice-Chairman

Health

Financial Institutions,

Insurance and Retirement

May 7, 2008

Congressman Harry Mitchell
U.S. House of Representatives
2434 Rayburn HOB
Washington, DC 20515

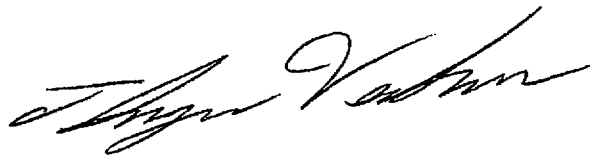
Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97

Dear Representative Mitchell:

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Senator Thayer Verschoor
Senate Majority Leader
Arizona State Senate

Cc: The Honorable Kevin J. Martin, Chairman
The Honorable Michael J. Copps
The Honorable Jonathan S. Adelstein
The Honorable Deborah Taylor Tate
The Honorable Robert M. McDowell

SENATOR THAYER VERSCHOOR

Senate Majority Leader

ARIZONA STATE SENATE

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Arizona State Senate

COMMITTEES:

Rules – Vice-Chairman

Health

Financial Institutions,

Insurance and Retirement

May 7, 2008

Congressman Jeff Flake
U.S. House of Representatives
240 Cannon HOB
Washington, DC 20515

Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97

Dear Representative Flake:

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Senator Thayer Verschoor
Senate Majority Leader
Arizona State Senate

Cc: The Honorable Kevin J. Martin, Chairman
The Honorable Michael J. Copps
The Honorable Jonathan S. Adelstein
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SENATOR THAYER VERSCHOOR

Senate Majority Leader

ARIZONA STATE SENATE

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COMMITTEES:

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Insurance and Retirement

Arizona State Senate

May 7, 2008

Congressman Raul Grijalva
U.S. House of Representatives
1440 Longworth HOB
Washington, DC 20515

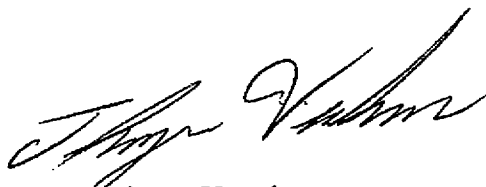
*Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47
U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Representative Grijalva:

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Arizona State Senate

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COMMITTEES:

Rules – Vice-Chairman
Health
Financial Institutions,
Insurance and Retirement

Arizona State Senate

May 7, 2008

Congresswoman Gabrielle Giffords
U.S. House of Representatives
502 Cannon HOB
Washington, DC 20515

Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97

Dear Congresswoman Gabby Giffords:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

The Arizona Corporation Commission, which regulates Qwest's operations in the State of Arizona, and is responsible for implementing the market-opening provisions of the Telecommunications Act as prescribed by federal law, filed comments urging the FCC to deny Qwest's request for forbearance relief. Among the concerns raised by the Commission was Qwest's overstatement of the extent of competition that currently exists in both the residential and business telephone markets in Phoenix. Where sufficient competition exists to restrain Qwest's ability to unilaterally raise its competitors' costs by increasing the rates for necessary wholesale inputs, forbearance from access and price regulation might be warranted. If forbearance is granted prematurely, however, we are concerned that competitive communications service providers may exit, or decline to enter, the Phoenix market. Two years ago, the FCC granted Qwest relief in Omaha, Nebraska from the same federal regulatory requirements that it is seeking in Phoenix and, from what we understand, competitors have both left the Omaha market and abandoned plans to enter the market. I do not want to see the same thing happen in Phoenix.

I believe that all Phoenix residents benefit to the extent that communications service providers compete for their business because competition tends to engender better pricing and more innovative services. I also believe, like the Arizona Corporation Commission, that the public interest would be served and consumers protected by retaining in place the market-opening provisions of the Telecommunications Act. I urge you to let the FCC know that telephone competition is important to Phoenix and that it should deny Qwest relief from its obligations under the Telecommunications Act.

A handwritten signature in black ink, appearing to read "Thayer Verschoor", written in a cursive style.

Senator Thayer Verschoor
Senate Majority Leader
Arizona State Senate

Cc: The Honorable Kevin J. Martin, Chairman
The Honorable Michael J. Copps
The Honorable Jonathan S. Adelstein
The Honorable Deborah Taylor Tate
The Honorable Robert M. McDowell

ATTACHMENT F

BILL KONOPNICKI
1700 WEST WASHINGTON, SUITE H
PHOENIX, ARIZONA 85007-2844
CAPITOL PHONE: (602) 828-5409
CAPITOL FAX: (602) 417-3105
TOLL FREE: 1-800-352-8404
bkonopni@azleg.gov



DOCKET FILE COPY

COMMITTEES:
FINANCIAL INSTITUTIONS AND
INSURANCE, CHAIRMAN
COMMERCE
JUDICIARY

DISTRICT 5

Arizona House of Representatives
Phoenix, Arizona 85007

Received & Inspected

APR 18 2008

FCC Mail Room

April 10, 2008

Federal Communications Commission
445 Twelfth Street, NW
Washington, DC 20554

*Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47
U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Chairman Martin and Members of the Federal Communications Commission:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

The Arizona Corporation Commission, which regulates Qwest's operations in the State of Arizona, and is responsible for implementing the market-opening provisions of the Telecommunications Act as prescribed by federal law, filed comments urging the FCC to deny Qwest's request for forbearance relief. Among the concerns raised by the Commission was Qwest's overstatement of the extent of competition that currently exists in both the residential and business telephone markets in Phoenix. Where sufficient competition exists to restrain Qwest's ability to unilaterally raise its competitors' costs by increasing the rates for necessary wholesale inputs, forbearance from access and price regulation might be warranted. If forbearance is granted prematurely, however, we are concerned that competitive communications service providers may exit, or decline to enter, the Phoenix market. Two years ago, the FCC granted Qwest relief in Omaha, Nebraska from the same federal regulatory requirements that it is seeking in Phoenix and, from what we understand, competitors have both left the Omaha market and abandoned plans to enter the market. I do not want to see the same thing happen in Phoenix.

No. of Copies rec'd 0
List ABCDE

Federal Communications Commission
April 10, 2008
Page 2

I believe that all Phoenix residents benefit to the extent that communications service providers compete for their business because competition tends to engender better pricing and more innovative services. I also believe, like the Arizona Corporation Commission, that the public interest would be served and consumers protected by retaining in place the market-opening provisions of the Telecommunications Act. I urge you to let the FCC know that telephone competition is important to Phoenix and that it should deny Qwest relief from its obligations under the Telecommunications Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Konopnicki", written in a cursive style.

Bill Konopnicki
State Representative
District 5

cc: Arizona Congressional delegation

ATTACHMENT G

Joint Letter from Business Owners and Organizations to the FCC

September 26, 2007

DOCKET FILE COPY ORIGINAL

The Honorable Kevin J. Martin, Chairman
The Honorable Michael J. Copps
The Honorable Jonathan S. Adelstein
The Honorable Deborah Taylor Tads
The Honorable Robert M. McDowell
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

FILED/ACCEPTED

SEP 26 2007

Federal Communications Commission
Office of the Secretary

ORIGINAL

EX PARTE

Re: In the Matter of Petitions of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence and Virginia Beach Metropolitan Statistical Areas, WC Docket No. 06-172

In the Matter of Petitions of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Denver, Minneapolis-St. Paul, Phoenix, and Seattle Metropolitan Statistical Areas, WC Docket No. 07-97

In the Matter of the Verizon Telephone Companies For Forbearance under 47 U.S.C. § 160(c) from Title II and *Computer Inquiry* Rules with Respect to Their Broadband Services, WC Docket No. 04-440

In the Matter of Qwest Petition for Forbearance under 47 U.S.C. § 160(c) from Title II and *Computer Inquiry* Rules with Respect to Broadband Services, WC Docket No. 06-125

In the Matter of AT&T Inc. for Forbearance under 47 U.S.C. § 160(c) from Title II and *Computer Inquiry* Rules with Respect to Broadband Services, WC Docket No. 06-125

In the Matter of Petition of BellSouth for Forbearance under 47 U.S.C. § 160(c) from Title II and *Computer Inquiry* Rules with Respect to Its Broadband Services, WC Docket No. 06-125

In the Matter of Petition of the Embarq Local Exchange Companies for Forbearance Under 47 U.S.C. § 160(c) from Application of *Computer Inquiry* and Certain Title II Common-Carriage Requirements, WC Docket No. 06-147

In the Matter of Petition of the Frontier and Citizens ILECs for Forbearance Under Section 47 U.S.C. § 160(c) from Title II and *Computer Inquiry* Rules with Respect to Their Broadband Services, WC Docket No. 06-147

Dear Mr. Chairman and Commissioners:

We represent thousands of small business employers, managers and heads of local organizations that support competition for phone services. Many of us have chosen to do business with a smaller phone carrier because of the personalized service, attention, and competitive rates that smaller phone companies are providing to us.

[REDACTED]

We are very concerned that pending decisions by the Federal Communications Commission (FCC) on the "forbearance" petitions could jeopardize our access to that competition and eliminate the choices among phone service providers now available to us in our local market.

Competition among phone companies has been extremely valuable to companies and organizations like ours. Competitive phone companies have ensured that we have access to the same kinds of services previously only available to much larger businesses, and at rates previously unavailable to businesses our size.

These competitive phone companies provide jobs here in our community as well. These jobs are everything from sales professional to customer service to telecom technician – but most important of all, they are jobs in our markets.

Phone service is essential to our businesses and organizations. When there are phone problems, the quick, personal service our competitive phone company provides us is critical to our business. Monopoly service providers have proven over time that they simply cannot provide the level and quality of customer service that we need and that the smaller, competitive phone companies provide our businesses on demand, when we need it.

If the FCC does not deny or dismiss the "forbearance" petitions, our choices among competitive phone service providers will be eliminated, the rates we pay for phone service will go up, and jobs will be lost.

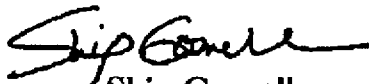
Please do not allow that to happen. Please dismiss or deny the pending forbearance petitions.



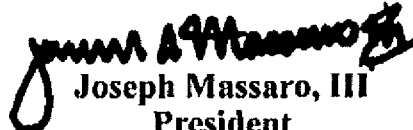
Gary Smith
Executive Director
Independent Business
Association
Redmond, WA
3,100 small business owners



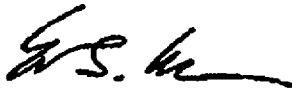
Cassandra de la Rosa
Executive Director
Retired Public Employees
Council of Washington
Olympia, WA
9,000 Members



Skip Gosnell
Director, IT
Keating Building Corporation
Philadelphia, PA
300 employees



Joseph Massaro, III
President
Massaro Corporation
Pittsburgh, PA
280 employees



Eric S. Lauer
Controller
Nielsen Brothers & Sons, Inc.
Seattle, WA
45 employees



Darren Jones
President
Agrishop, Inc.
Auburn, WA
60 employees



Erik Wiitala
Owner
Farmers Insurance
Seattle, WA



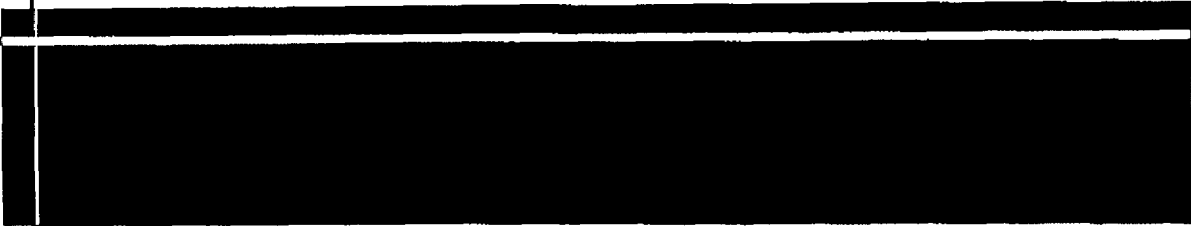
Arne B. Walker
General Manager
Cost Plus Prescriptions, Inc.
Tacoma, WA
17 employees



Marvin Wayne Brooks
President
1st University Mortgage Corp.
University Place, WA
4 employees



Art Matni
Owner
A & A Printing
Seattle, WA
25 employees



Elizabeth A. Paulsen
Elizabeth Paulsen
President
Cascade e-Commerce
Solutions, Inc.
Seatac, WA
5 employees

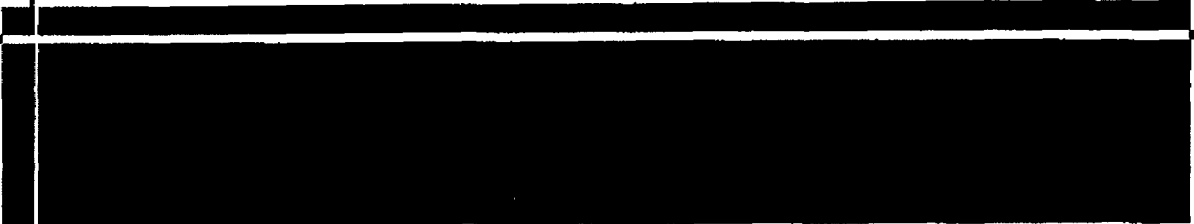
J. Aaron Booker
John Aaron Booker
President
Hardlines Company
Bellingham, WA
4 employees


Heidi Morgan
Heidi Morgan
Manager
Morpac Industries, Inc.
Pacific, WA
40 employees

Thomas C. Rasmussen
Thomas C. Rasmussen
President
Panorama Traffic Corporation
Kent, WA
1 employee


Chander Kapil
Chander Kapil
Owner
RS Market
Everett, WA


Rich Thomas
Rich Thomas
Vice President of Finance
Sleep Country USA
Kent, WA
300 employees




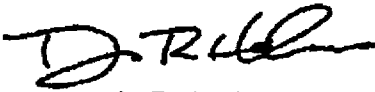

Terry Stone
President
United Auto Electric, Inc.
Bellingham, WA
12 employees

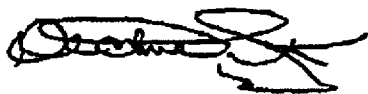

Eva Thisner
President
Pacific Project Management, Inc.
Mercer Island, WA


F.W. Goetz
VP
Nelson Trucking Co.
Seattle, WA
85 employees


Joe R. Taylor
President
MicroAccounting Systems, Inc.
Bellevue, WA
16 employees


Roy E. Slaybaugh
Everson Asphalt Paving
Lacey, WA
10 employees


Denis R. Holmes
Owner
Denis R. Holmes, OD
Bellingham, WA
3 employees



Victoria Gillis
Owner/Manager
A Select Event
Smokey Pt., WA



Dana Mongillo
Owner/Manager
Fuzzy Buddy's
Seattle, WA
5 employees



Mark Scarff
President/General Manager
Bowen Scarff Ford
Kent, WA
150 employees



Nancy Steelman
Office Manager
Jack Hornor Electric, Inc.
Yakima, WA
50 employees



Tony Beahan
CFO
Herrenknecht Tunnelling
Systems Inc.
Auburn, WA
22 employees



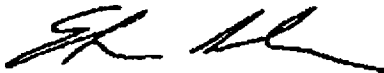
Mary T. Guthmiller
Vice President
Transtech Electric, Inc.
Kent, WA
50 employees



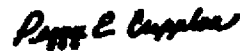
K. Stewart
Office Manager
Stewarts Marine Engine &
Machine Works, Inc.
Seattle, WA
6 employees



Alan Baron
General Manager
Quality Inn Baron Suites
Bellingham, WA
25 employees



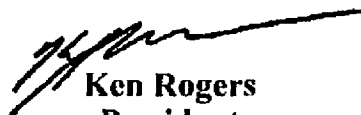
Glyn Desmond
President
Monroe Therapeutic Massage
Monroe, WA
60 employees



Peggy Cupples
Owner
Fab Tek
Union Gap, WA
5 employees



Vicki Adams
President
Sound Bikes & Kayaks
Port Angeles, WA
25,000 customers



Ken Rogers
President
Summit USA
Kelso, WA
11 employees




Daniel Ripley
Owner
Dan Ripley Financial
Bellingham, WA
2 employees




Sarah Lloyd
Vice President
Admiral of the Fleet Cruise
Center
Redmond, WA
10 employees



Lee Dumas
Branch Manager
First Star Financial Corporation
Lynnwood, WA
10 employees




Bill Gummells
Newcastle Flooring
Auburn, WA
12 employees




Dave Stone
President
Pacific Gem, Inc.
Seattle, WA





Wendy Kruger
Secretary Treasurer
Precision Welder & Engine
Repair
Seattle, WA
6 employees

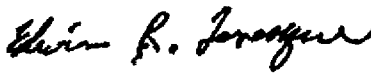




Shirley Oberg
President
SOS Data Services
Woodinville, WA
35 employees


Betty Neighbors
President
Terra Staffing Group
Everett, WA
950 employees


Wendell Maras
President
Wheelchairs Northwest
Bellevue, WA
22 employees


Douglas Whitfield
President
Pangaea Wine Group
Seattle, WA
7 employees


Edwin R. Levesque
Owner
Midland Auto Wrecking
Tacoma, WA
9 employees

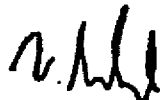

Cheryl Dickson
Assistant General Manager
Daystar Retirement Village
Seattle, WA
50 employees




Alex Jo
President
Bum Corp
Federal Way, WA
35 employees



Steve Kirk
Operations Manager
BB Lumber & Hardware
Bellingham, WA
16 employees



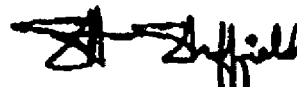
William Rutherford
President
Computer Concepts
Bothell, WA



Ed McConkey
CEO
J.M. McConkey & Co., Inc.
Sumner, WA
120 employees



Bill Allister
Director of Information
Technology
Northwest Restaurants, Inc.
Woodinville, WA



Scott Sheffield
Managing Partner
Sovereign Wealth Advisors
Bellevue, WA
11 employees




Stephen Bader
COO

Tacoma Radiation Oncology
Center
Tacoma, WA
60 employees



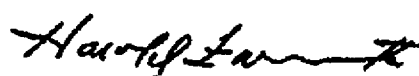
Blair Anderson
Treasurer
Coalition for Quality
Communities
Everett, WA
10 employees



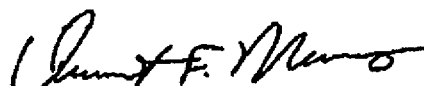
David Yorkston
Vice President
Yorkston Oil Co., Inc.
Bellingham, WA
55 employees



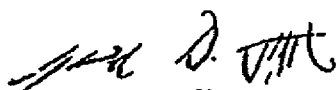
Colin Ury
Vice President Business Affairs
Taco Time Restaurants
Renton, WA
700 employees



Harold Farnsworth
CEO
Rhem, LLC dba EJ Bartells
Renton, WA
400 employees



Vincent F. Murray
President
VF Murray Enterprise, Inc.
Virginia Beach, VA
3 employees



Joseph Ilvato
President/Owner
Splitenz, Inc.
Virginia Beach, VA
13 employees



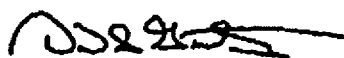
Martin Joseph
CEO/President
Tomar Computer Integration, Inc.
Virginia Beach, VA
14 employees



Pamela G. Potocska
Executive Assistant
Nicholas L. Potocska, CPA, P.C.
Virginia Beach, VA
14 employees



Gordon W. Howrey Sr.
Owner
American Termite & Pest
Control Inc.
Virginia Beach, VA
10 employees



David S. Gretz
President
Gretz & Associates, Inc.
Virginia Beach, VA



Debbie Paige
Office Manager, CFO
Sam Segar & Associates, Inc.
Virginia Beach, VA
6 employees




Walter Bordeaux
Owner
Bordeaux & Associates
Virginia Beach, VA
400 people served



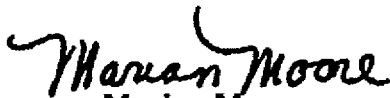
P. Harris
Owner
Frame-Up Custom Frame &
Art Gallery
Virginia Beach, VA
4 employees



Ross Forster
President
Peter Kwick Printing
Virginia Beach, VA
9 employees



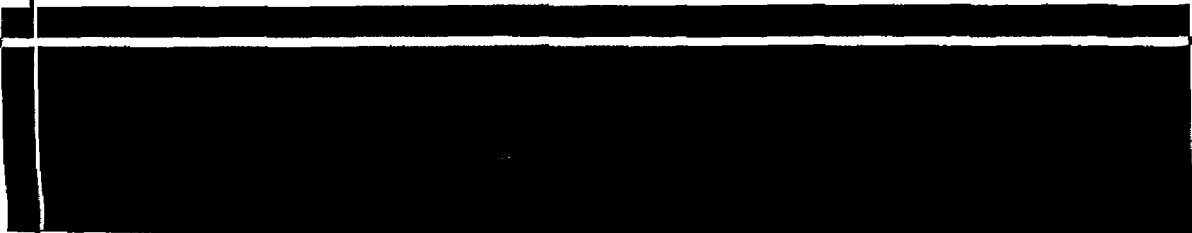
Tony Canino
President
Atlantic Coast
Communications, Inc.
Virginia Beach, VA
3 employees





Marian Moore
Office Manager
Built In Systems
Virginia Beach, VA
5 employees





Matthew Lundgren
Treasurer
Shoreline Contractors, Inc.
Virginia Beach, VA
12 employees




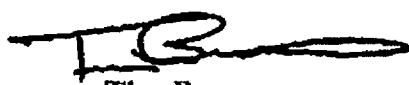

Richard Miller
Owner
Cleveland St. Bingo
Virginia Beach, VA
1000 people served


Sammy C. Reagan
President
Infiniti of Omaha
Omaha, NE
30 employees


James Murray
General Manager
Rocky of Omaha
(Dairy Queen/Orange Julius)
Omaha, NE
10 employees


Denise Knowles
Operations Manager
21st Century Financial
Group, Inc.
Omaha, NE
20 employees


Gary Moran
President
Lighting World, Inc.
Omaha, NE



Tim Brown
President
Bell Creek, Inc.
Arlington, NE
5 employees




Dave Truckenbrod
President
Merchants Credit Adjusters
Omaha, NE
30 employees



Dan King
Manager Member
Boulder Outlook Hotel
Boulder, CO
50 employees & 200,000 guests




Steve Steele
Director of Operations
Keesen Enterprises, Inc.
Englewood, CO
240 employees



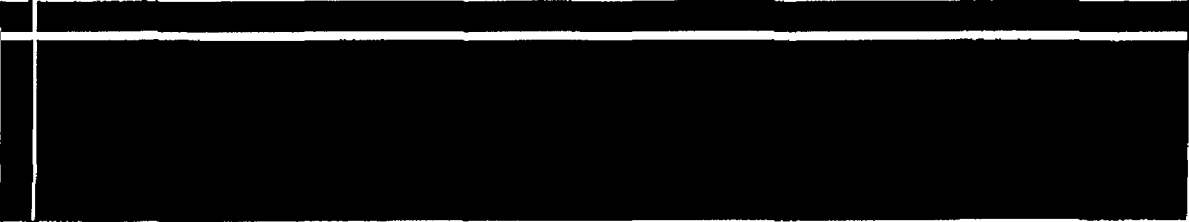
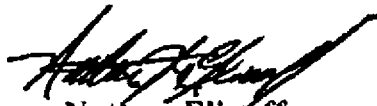
Larry Herz
Owner
Bonnie Brae Bistro LLC
Denver, CO
30 employees



Andy Stemple
President
Animal Crackers
Denver, CO
9 employees



Julie Young
Vice President
Omega Software Design, Inc.
Golden, CO
20 employees

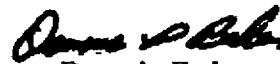
Nathan Elinoff
President
Funtastic Fun
Englewood, CO
25 employees



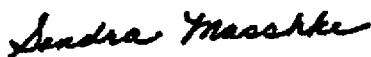
Rory Clawson
CFO
Party Time Rental, Inc.
Denver, CO
40 employees



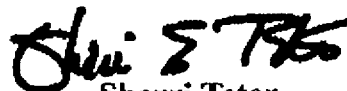
Colin McClure
President
Impact Medical Staffing
Denver, CO
80 employees



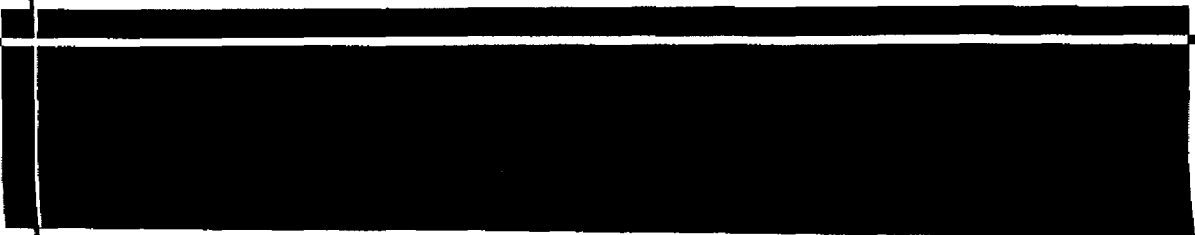
Dennis Baker
Treasurer
Colorado Powersports, Inc.
Boulder, CO
45 employees



Sandra Maschke
Office Manager
Octopus Car Wash
Lakewood, CO
60 employees



Sherri Teter
Manager/Owner
Washington Park Travel
Denver, CO
4 employees



Allyson Stauffer
Allyson Stauffer
Administrative Assistant
Posture Advanced Chiropractic
Lafayette, CO
2 employees & 400 clients

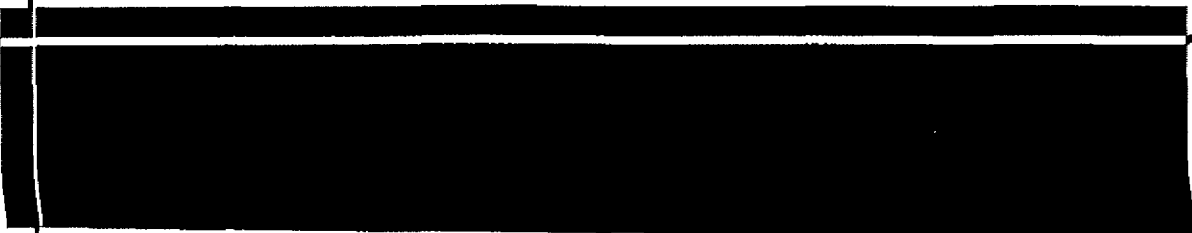
Cindy R. Pullen
Cindy R. Pullen
Owner
Creative Markings, LLC
Boulder, CO
600-1000 people served

Roger L. Carlson
Roger L. Carlson
Manager
Trevino Mortuary
Denver, CO
8 employees

David J. Wein
David J. Wein
President
Mutual Security Mortgage
Boulder, CO
8 employees

Byron Fenton
Byron Fenton
President
Engineered Products Co.
Lakewood, CO
12 employees

Jennifer Lawson
Jennifer Lawson
General Manager
Rocky Mountain Overseas, Inc.
Lakewood, CO
15 employees



Larry May
President
Parker Spirits & Wines, Inc.
Parker, CO
25 employees

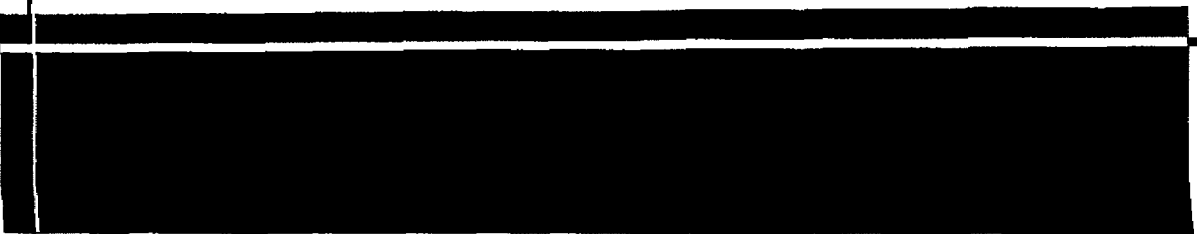
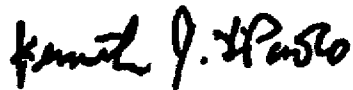
David Foster
Owner
Aardvark Box & Packaging Co.
Denver, CO
5 employees

John D. Javorek
President
Fuji Motors, Inc.
Boulder, CO
5 employees

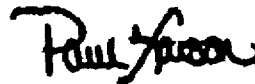
Harry Deol
General Manager
Village Green Liquors
Aurora, CO
6 employees

Dwight Nelson
Manager
Lehrer's Printing &
Office Supplies
Denver, CO
8 employees

Keith Treseder
President
Lakewood Alignment
Lakewood, CO
5 employees

Kenneth DiPaolo
President
Hydrosystems KDI, Inc.
Lakewood, CO
10 employees



Paul Larson
Owner
Anytime Fitness
Longmont, CO
600 members



Robert W. Abbott
Vice President/General Manager
Preferred Paper Products, Inc.
Boulder, CO
28 employees




George Hearne
Project Manager
Total Welding, Inc.
Littleton, CO
40 employees




Jeffrey Rader
IT Director
Central Parking Systems
New York, NY
200 employees





Elive Green
CEO
Safe Art Sat
Long Island City, NY
35 employees



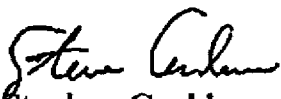

Andres Jimenez, Jr.
Facilities Coordinator
Cain Brothers & Company, LLC
New York, NY
86 employees


Denise Cherry
President
D. Cherry Real Estate Associates
Brooklyn, NY
5 employees


Sam Vincent Berdecia
Graphic Designer
BerDesign
Brooklyn, NY
6 employees


Ron Casey
President
Capricorn's Wholesale Food
Carmel, NY
5 employees


Susan Kraft
Creative Flooring Ltd.
Mt. Kisco, NY
6 employees


Stephen Gerbino
Owner
Innovative Computer Systems
Hackensack, NJ
10 employees



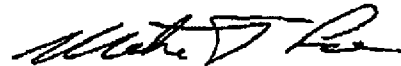
Sam Milliken
President
Mansions Catering, Inc.
New York, NY
30 employees



Larry Kayton
Project Manager
Vermeer Sales Southwest
Chandler, AZ
70 employees



David H. Richardson
Vice President of Finance &
Administration
Planned Parenthood of
Central & Northern Arizona
Phoenix, AZ
165 employees & 60,000 patients



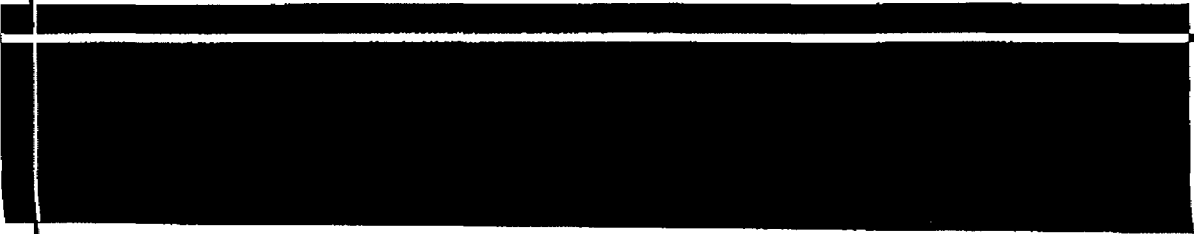
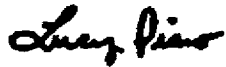
Mike Lee
Regional Manager
ACE Uniforms of Phoenix
Phoenix, AZ
15 employees



Cressa Nelson
President
Orion Press
Phoenix, AZ
22 employees



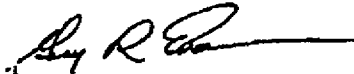
David C. Pennebaker
Chiropractor
Pennebaker Chiropractic
Phoenix, AZ

Lucy Piano
Accounts Manager
ProResponse, Inc.
Mesa, AZ
30 employees



Stephen Adams
Owner/President
Alphagraphics
Mesa, AZ
35 employees



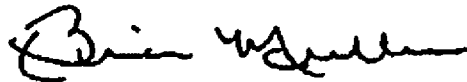
Guy L. Erickson
President
GDE Constructions, Inc.
DBA Sun Valley Pools & Spas
Glendale, AZ



Ron C. Wilson
Owner/President
Las Sendas Spine Institute
Mesa, AZ
5 employees



Catherine Ries
CEO
B & B Blinds and Builder
Services, LLC
Gilbert, AZ
9 employees



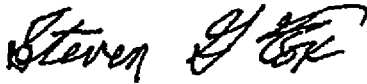
Brian Miller
Administrator
Arizona Senior Homes
Mesa, AZ



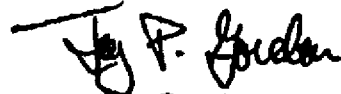

Kerry D. Soat
CEO
FAS-BREAK, Inc.
Mesa, AZ
4 employees



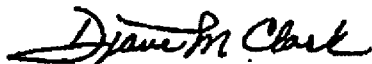
Eric Brown
President
Artisan Homes, Inc.
Phoenix, AZ
4 employees



Steven G. Fox
President
Steven G. Fox, Ph.D.
Mesa, AZ



Jay Gordon
Broker
Gordon Realty Services, Inc.
Tempe, AZ
5 employees



Diane M. Clark
President
Clark Power Products, Inc.
Scottsdale, AZ
8 employees



Fred Lozoya
President/Owner
Consumer Quality Air, Inc.
Phoenix, AZ
10 employees




Pamela Allara
Owner
The \$99 Furniture Store
Mesa, AZ
15 employees



Rene Botterbusch
Business Manager
Dave's Tire & Auto Corral
Glendale, AZ
10 employees



James Todd
President
Todd Photographic Services
Phoenix, AZ



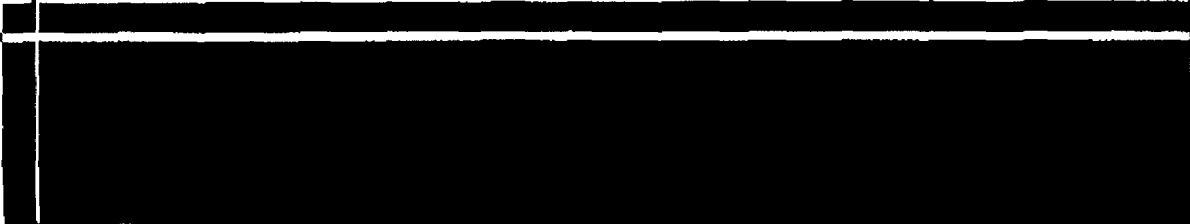
David Watson
Vice President
Southwest Shield Services
Phoenix, AZ
20 employees



Kristine Jacobs
Executive Director
Jobs Now Coalition
St. Paul, MN
100 members



Randy Zarecki
Owner
Fitness Dividends, LLC
St. Paul, MN
200 employees



Kimberly M. Dalbec

Kimberly M. Dalbec
Treasurer
Forest Lake Motor Sports, Inc.
Forest Lake, MN
20 employees

Richard Houck

Richard Houck
President
Houck Machine Company
Plymouth, MN
25 employees

James H. Ryan

James Ryan
Principal
Interactive Retirement Systems
Bloomington, MN
17 employees

Craig K

Craig Kreibich
Owner
K Sales
Golden Valley, MN

Gary Denardo

Gary Denardo
President
Star Equipment, Inc.
Blaine, MN

Jane K. Bygness

Jane K. Bygness
President
Apple Personnel, Inc.
Edina, MN
3 employees



Kimvan Tran

Kimvan Tran
Owner
East of Eden Salon, Inc.
Eden Prairie, MN
6 employees

Beth Stelling

Beth Stelling
President
Clear Impact Inc.
Burnsville, MN
2 employees

Becky Sturm

Becky Sturm
Owner
Stormsister Spatique
St. Paul, MN

Olle Lindquist

Olle Lindquist
Owner
The Landen Group, Inc.
St. Louis Park, MN
2 employees

Lucinda Evans

Lucinda Evans
Owner
Circle Hair Fashions
Lino Lakes, MN
5 employees

Robert Beech

Robert Beech
President
Prokart Indoors
Burnsville, MN
18 employees




David Chapman
Loan Program Manager
Minneapolis Consortium
of Community Developers
Minneapolis, MN
7 employees



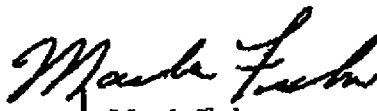
James T. Mason
Owner
Leaman's Liquors Inc.
Hopkins, MN
7 employees



Tammy Anderson
Director of Operations
Building Maintenance
Management, Inc.
Minneapolis, MN
25 employees



Kevin K. White
President
Jule Automotive, Inc.
Coon Rapids, MN
5 employees



Mark Fuhr
Vice President
Fuhr Enterprises, Inc.
New Brighton, MN



Dorothy Chlystok
Controller
Financial Resources, Ltd.
Eden Prairie, MN
5 employees




Troy Bednar
President
Lakeside Cabinets and
Woodworking
Anoka, MN
6 employees/600 people served



Gail Lee
President
Mighty Fine Design &
Marketing, Inc.
Minneapolis, MN
6 employees



Jennifer Wilson
Owner/Vice President
Wilson's Nursery, Inc.
New Germany, MN
30 employees



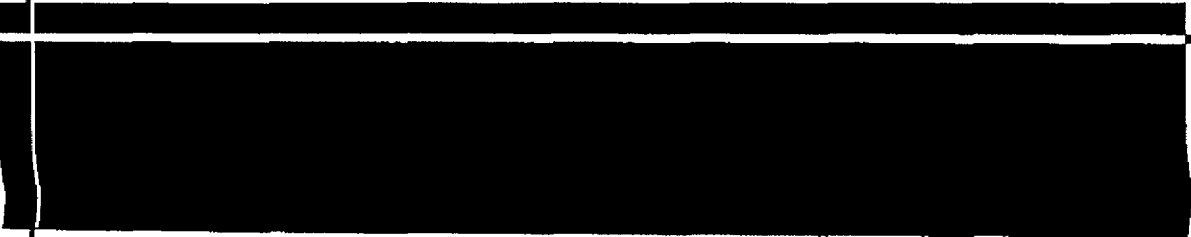
Clark Gilbertson
President
Gilbertson Advertising
Edina, MN
5 employees



Catherine Swedberg
Marketing Director
JAM Productions
Minneapolis, MN
3 employees



Gerald Crow
General Manager
Delta Companies, LLC
Minneapolis, MN
35 employees



Ammon Ziebarth

Ammon Ziebarth
VP of Operations
AAA Transportation
New Hope, MN
10 employees

Lou French

Lou French
President
Weavers Guild of Minnesota
Minneapolis, MN
400 members

Gary F Mondale

Gary Mondale
Mondale & Associates, Inc.
Bloomington, MN

Steve Rossbach

Steve Rossbach
Treasurer
Rossbach Construction, Inc.
N. St. Paul, MN
17 employees

Dianne Frenze

Dianne Frenze
Office Manager
EE Weller Co., Inc.
Providence, RI
20 employees

Scott Young

Scott Young
President
Precision Industries, Inc.
Providence, RI
18 employees



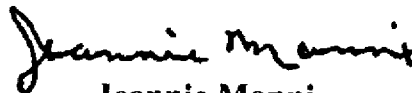

Brie Woodmancy
Executive Director
A New Leaf
Providence, RI
14 employees




David Lund
President
F.G. Lees & Son, Inc.
Providence, RI
20 employees



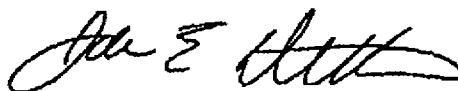
Marilyn Monahan
Better Homes Mortgage, LLC
Providence, RI
10 employees



Jeannie Manni
President
JMS Casting Co., Inc.
Providence, RI
8 employees



Scott Wolf
Controller
Tops Electric Supply Co., Inc.
Providence, RI
13 employees



John Dietel
Facilities Director
Eastern Research Group
Lexington, MA
310 employees




George Wattendorf
President
GVW, Inc.
East Boston, MA
80 employees



Joseph E. Kearney
President
South Shore Refrigeration, Inc.
Norwell, MA



Jorge Cao
Vice President
Maynard Outdoor Store
Maynard, MA
25 employees



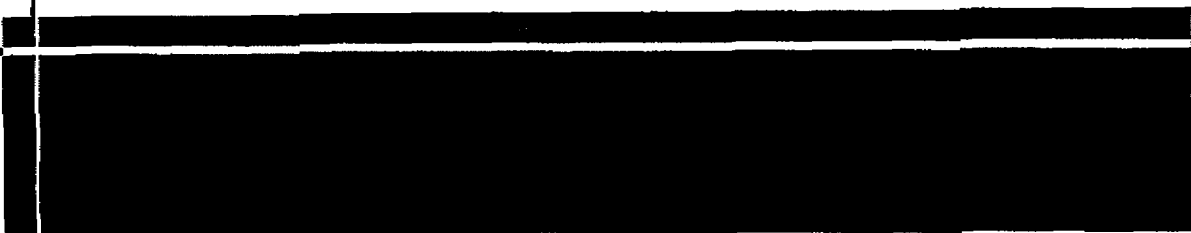
Jorge Rivera
Stone Experts, Inc.
New Bedford, MA
4 employees





Arthur Tonelli
Owner
Westboro Motors
Westboro, MA



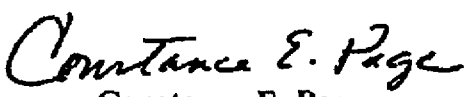
Lorraine M. Picano
Human Resources & Risk
Management Administrator
Shetland Properties of
Salem Limited Partnership
Salem, MA
50 employees





Gary L. Goudreau
President
Goudreau and Associates
Architects, PLLC
Chester, NH
3 employees


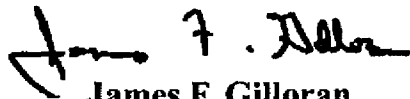

Robert Quenneville
President
Ac-Cue Rate Billiar Supply, Inc.
Pelham, NH


Fred Oven
President
Northlite Glass & Mirror
Derry, NH
4000 people served


Constance E. Page
Owner
Connie the Cat Sitter
Salem, NH


Rhonda Nazzaro-Lambert
CEO
United States Emergency Glass
Stoughton, MA
30 employees


David Tall
President
Alpha Rho, Inc.
Fitchburg, MA
15 employees

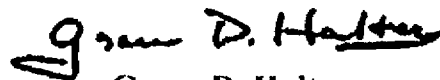
James F. Gilloran
President
Mace Company
Dudley, MA
20 employees



Michael J. Russo
President
Russo Management Corp.
Rockland, MA
20 employees



Michael Growmiller
Director of IT
Planned Parenthood SE PA
Philadelphia, PA
160 employees



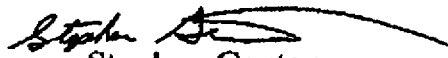
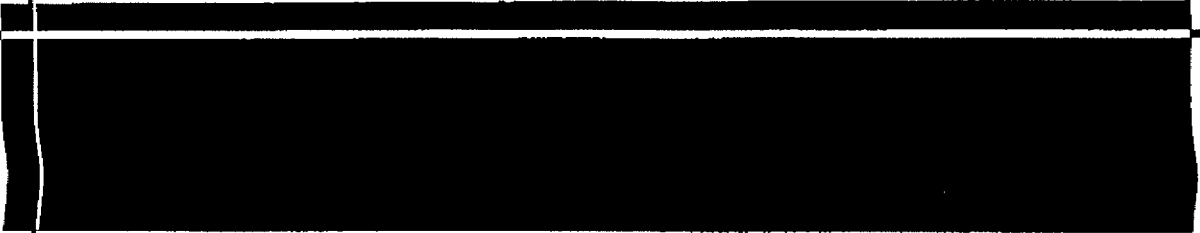
Grace D. Halter
Designer/Owner
Halter Design Associates
Philadelphia, PA



T.J. Marx
President
ASCC, Inc.
Cranberry Twp., PA
85 employees



Paul E. Naman
GM
Fyda Freightliner
Pittsburgh, Inc.
Canonsburg, PA



Stephen Garton
Secretary
Columbia Silk Dyeing
Co., Inc.
Philadelphia, PA
16 employees



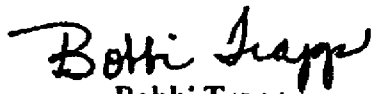
Dan White
President
Chase Auto Parts, Inc.
Philadelphia, PA
5 employees



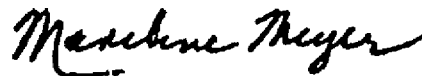
Joseph Wisniewski
Owner/President
J&R Auto and Truck
Service, Inc.
Philadelphia, PA
12 employees



Alfred Dombrowski
President
Dombrowski Real Estate Inc.
Philadelphia, PA
2 employees




Bobbi Trapp
Owner
Scoping At Your Service
Philadelphia, PA
35-50 people served




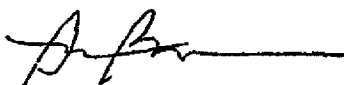
Madeline Meyer
Assistant Controller
Penn Graphic Associates
Philadelphia, PA
30 employees





Bill Buckley
CEO
Flame-Tech
New Castle, DE
6 employees


Louis D. Ruscitto
President
A&L, Inc.
Belle Vernon, PA


Norman Jones
Owner
Kirkwood Auto Center
Wilmington, DE
24 employees


Sandi Brandan
Controller
Stage Step, Inc.
Philadelphia, PA
25 employees


Tim McAleese
Owner
The Big Picture
Hockessin, DE
4 employees


Megan Gardner
Administrative Assistant
Common Ground Realtors
Philadelphia, PA
30 employees


Young-Yee Kim

Young-Yee Kim
President
West Philadelphia Korean
Business Association
Philadelphia, PA

Michael McNutt

Michael McNutt
President
McNutt's Abbey Flower Shoppe
New Brighton, PA
3 employees

Alex Lengyel

Alex Lengyel
Owner
Airport Self Storage, Inc.
Coraopolis, PA
310 people served

Jeffrey F. Wilson

Jeffrey F. Wilson
Partner
Wilson's Pharmacy
Pittsburgh, PA
18 employees

cc: The Honorable Daniel Inouye
The Honorable Ted Stevens
The Honorable John Dingell
The Honorable Joe Barton
The Honorable Ed Markey
The Honorable Fred Upton

ATTACHMENT H



Advocacy: the voice of small business in government

Office of Advocacy
U.S. Small Business Administration
409 Third St., S.W.
Washington, D.C. 20416

July 25, 2008

Via Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: Qwest Petitions for Forbearance Pursuant to 47 U.S.C. Section 160 (c) in the Denver, Minneapolis-St. Paul, Phoenix and Seattle Metropolitan Statistical Areas (WC Docket No. 07-97)

Dear Ms. Dortch:

The Office of Advocacy, U.S. Small Business Administration ("Advocacy") respectfully submits this *ex parte* filing in the above-referenced proceeding to express our concerns regarding the negative impact of Section 10 forbearance on small competitive local exchange carriers (CLECs) and their small business customers. In response to a new study¹ conducted by QSI Consulting, Advocacy recommends that the Federal Communications Commission ("FCC" or "Commission") analyze Qwest's four markets to determine whether sufficient levels of competition exist to support a grant of forbearance from certain regulatory obligations.²

¹ QSI Consulting Impact Study: *An Analysis of Qwest's Petition for Forbearance: A Quantification of the Impact of Forbearance* (2008) [hereinafter, QSI].

² See Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160 (c) in the Denver Colorado Metropolitan Statistical Area, WC Docket No. 07-97 (filed April 27, 2007); Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160 (c) in the Minneapolis-St. Paul Minnesota Metropolitan Statistical Area, WC Docket No. 07-97 (filed April 27, 2007); Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160

Congress established the Office of Advocacy under Pub. L. 94-305 to represent the views of small entities before Federal agencies and Congress. Advocacy is an independent office within the Small Business Administration ("SBA"), so the views expressed by Advocacy do not necessarily reflect the views of the SBA or the Administration. Part of our role under the Regulatory Flexibility Act ("RFA") is to assist agencies in understanding how regulations may impact small businesses, and to ensure that the voice of small business is not lost within the regulatory process.³ Congress crafted the RFA to ensure that, while accomplishing their intended purposes, regulations did not unduly inhibit the ability of small entities to compete, innovate, or to comply with the regulation.⁴ Advocacy believes that the Section 10 assessment is similar to the analysis required in rulemakings under the RFA.⁵ Because the RFA and Section 10 direct the FCC to consider the economic impact of regulatory action, both statutes attempt to promote balanced and well-reasoned regulatory action.⁶

Small carriers such as CLECs play an important role in the provision of competitive phone services in the U.S. market. Without proper analysis under Section 10 of the Communications Act of 1934, the grant of regulatory forbearance to major phone carriers may compromise this competitive environment and impose undue economic burdens on small carriers. The QSI Study indicates that if Qwest is not required to make its loop and transport facilities available to competitors at total element long run incremental cost ("TELRIC") based rates in the Denver, Minneapolis-St. Paul, Phoenix and Seattle Metropolitan Statistical Areas ("MSAs"), wholesale prices will increase for its competitors in these regions.⁷ Additionally, a recent Government Accountability Office ("GAO") Report shows that incumbent local exchange carriers ("ILECS") have been increasing special access prices in MSAs where the FCC has given them full pricing flexibility.⁸ Importantly,

(c) in the Phoenix, Arizona Metropolitan Statistical Area, WC Docket No. 07-97 (filed April 27, 2007); Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160 (c) in the Seattle Washington Metropolitan Statistical Area, WC Docket No. 07-97 (filed April 27, 2007).

³ Pub. No. 96-354, 94 Stat. 1164 (1980).

⁴ Pub. L. 96-354, Findings and Purposes, Sec. 2 (a)(4)-(5), 126 Cong. Rec. S299 (1980).

⁵ Pub. No. 96-354, 94 Stat. 1164 (1980).

⁶ 47 U.S.C. § 160 detailing in parts a and b that the Commission must determine: 1) that enforcement of the regulation is not necessary to ensure that rates and other practices are "just and reasonable;" 2) that enforcement of the regulation is not needed to protect consumers; 3) that the forbearance grant is "consistent with the public interest;" and finally stating that 4) the FCC must weigh "whether forbearance from enforcing the provision or regulation will promote competitive market conditions, including the extent to which such forbearance will promote competition among providers of telecommunications services."

⁷ See QSI, *supra* note 1 at 2.

⁸ See *FCC Needs to Improve its Ability to Monitor and Determine the Extent of Competition in Dedicated Access Services*, GAO-07-80 (November 2006).

the GAO report included some of the same MSAs in which Qwest now seeks forbearance. As such, it is incumbent upon the FCC to review the available market data to determine whether the level of competition afforded by cable companies, wireless providers, and CLECs is sufficient so that the grant of forbearance does not result in unjust and unreasonable pricing. Advocacy recommends that the FCC solicit comment specifically on the economic impact of granting Qwest's petitions for forbearance using data from the QSI Study or FCC generated data on small business impact prior to ruling on Qwest's petition. For additional information or assistance, please contact me or Cheryl Johns of my staff at (202) 205-6949 or cheryl.johns@sba.gov.

Respectfully submitted,

/s/ Thomas M. Sullivan

Thomas M. Sullivan
Chief Counsel

/s/ Cheryl Johns

Cheryl Johns
Assistant Chief Counsel for

Telecommunications

ATTACHMENT I

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
Petition of Qwest Corporation for Forbearance)	
Pursuant to 47 U.S.C. Section 160(c) in the)	WC Docket No. 07-97
Denver, Colorado, Minneapolis-St. Paul,)	
Minnesota, Seattle, Washington, and Phoenix,)	
Arizona Metropolitan Statistical Areas)	
)	

Ex Parte Comments of

**THE NATIONAL ASSOCIATION OF TELECOMMUNICATIONS
OFFICERS AND ADVISORS ("NATOA")**

Libby Beaty
NATOA
1800 Diagonal Road, Suite 495
Alexandria, VA 22314
(703) 519-8035

July 7, 2008

INTRODUCTION

The National Association of Telecommunications Officers and Advisors (“NATOA”) submits these comments in response to the Second Further Notice of Proposed Rulemaking (“Second FNPRM”), released May 14, 2008, in the above-captioned proceeding. NATOA’s membership includes local government officials and staff members from across the nation whose responsibility is to develop and administer communications policy and the provision of such services for the nation’s local governments.

On April 27, 2007 Qwest Corporation (“Qwest”) filed petitions pursuant to 47 U.S.C. Section 160(c) seeking forbearance from regulation in the Minneapolis-St. Paul, Minnesota, Seattle, Washington, Denver, Colorado, and Phoenix, Arizona Metropolitan Statistical Areas (“MSAs”). NATOA’s members include numerous local governments located in these MSAs which will be impacted by the Commission’s decision. NATOA submits these comments to support those members and to concur with a number of other NATOA member commenters, specifically the City of St. Paul, Minnesota, the Greater Metro (Denver) Telecommunications Consortium, and the Minnesota Association of Community Telecommunications Administrators, each of whom has identified the anti-competitive impact and the harm to consumers and local economies that will occur in the subject MSAs if the Petitions are granted.

DISCUSSION

The Petitions seek relief from: (1) the loop and transport unbundled network element (“UNE”) obligations of Section 251(c) of the Telecommunications Act of 1996 (“Act”); (2) its regional Bell Operating Company obligations under Section 271(c)(2)(B)(ii) of the Act; (3) the dominant carrier tariff requirements in Part 61 of the FCC’s rules; (4) the price cap regulations under Part 61; (5) the Computer III Inquiry requirements related to efficient interconnection and

open network architecture; and (6) the dominant carrier requirements arising under Section 214 of the Act and Part 63 of the FCC's rules regarding the acquisition of lines, discontinuation of services and transfers of control.

Before the Commission can grant these petitions, Qwest must prove that

(1) enforcement of the regulation or provision is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory;

(2) enforcement of the regulation or provision is not necessary for the protection of consumers; and

(3) forbearance from applying the provision or regulation is consistent with the public interest.¹

Even if Qwest could meet this burden of proof (and NATOA submits it has not done so), the Commission must still deny the petition unless it is convinced that forbearance will promote competition among providers of telecommunications services.²

The common theme throughout the comments filed by NATOA members in the affected MSAs reflects that the granting of forbearance will reduce competition, negatively impact local businesses, cause harm to consumers, and jeopardize public safety.³ Comments filed by various state commissions assert that there is insufficient competition in the subject MSAs to justify the regulatory relief that Qwest seeks.⁴ These agencies are in the best position to know the facts

¹ 47 U.S.C. Sec. 160(a).

² 47 U.S.C. Sec. 160(b).

³ *Ex Parte Comments of the Minnesota Association of Community Telecommunications Administrators*, WC Docket No. 07-97 (March 25, 2008); *Ex Parte Comments of the Greater Metro Telecommunications Consortium*, WC Docket No. 07-97 (May 12, 2008); *Ex Parte Comments of the City of Saint Paul, Minnesota*, WC Docket No. 07-97 (June 12, 2008).

⁴ *Comments of the Colorado Public Utilities Commission*, WC Docket No. 07-97 (August 31, 2007); *Ex Parte Comments of the Minnesota Public Utilities Commission*, WC Docket No. 07-97 (February 8, 2008); *Comments and Reply Comments of the Arizona Corporations Commission*, WC Docket No. 07-97 (August 31, 2007 and October 1, 2007); *Comments of the Washington Utilities and Transportation Commission*, WC Docket No. 07-97 (August 29, 2007); *Comments of the Public Counsel Section of the Washington State Attorney General's Office*, WC Docket 07-97 (August 31, 2007).

regarding the competitive landscape in their respective MSAs, and the local impacts if regulatory relief is granted.

Qwest has not conclusively shown that that forbearance is justified. NATOA shares the concern of its members that forbearance will result in less competition, higher prices for services, and increased costs to local governments. There is no evidence upon which the Commission can conclude that forbearance would promote competition, and as such, NATOA respectfully suggests that the Petitions be denied.

Respectfully submitted,

**THE NATIONAL ASSOCIATION OF
TELECOMMUNICATIONS OFFICERS AND
ADVISORS**

By: Libby Beaty
Libby Beaty

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of July 2008, I served a true and correct copy of the foregoing **Ex Parte Comments of the National Association of Telecommunications Officers and Advisors** addressed to the following and in the manner specified:

Melissa Newman, Esq.
607 14th Street, N.W., Suite 950
Washington, D.C. 20005
Via Facsimile: 202-293-0561
And U.S. Mail

[Signature]